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14 [Additional Counsel Listed on Signature Page]

15
UNITED STATES DISTRICT COURT
 16
NORTHERN DISTRICT OF CALIFORNIA
 17
SAN FRANCISCO DIVISION

18 IN RE: UBER TECHNOLOGIES, INC.,
 19 PASSENGER SEXUAL ASSAULT
 20 LITIGATION

21 Case No. 3:23-md-03084-CRB

22
**JOINT CASE MANAGEMENT
STATEMENT**

23 This Document Relates To:

24 Judge: Hon. Charles R. Breyer
 Courtroom: 6 – 17th Floor (via videoconference)
 Date: March 28, 2025
 Time: 10:00 a.m.

25 ALL ACTIONS

1 **JOINT CASE MANAGEMENT STATEMENT**

2 Defendants Uber Technologies, Inc., Rasier, LLC, Rasier-CA, LLC (collectively “Uber”),
3 and Plaintiffs’ Co-Lead Counsel (collectively referred to herein as “the Parties”), respectfully
4 provide this Joint Case Management Conference Statement and Proposed Agenda in advance of
5 the Case Management Conference scheduled for March 28, 2025.

7 **Proposed Agenda**

- 8 **I. Status of Case Filings**
- 9 **II. Bellwether Selection Process**
- 10 **III. Bellwether Deposition Protocol**
- 11 **IV. Bellwether DFS Discovery**
- 12 **V. General Discovery Updates**
- 13 **VI. Settlement Special Master**
- 14 **VII. Appointment of Additional PSC Members**
- 15 **VIII. Next Case Management Conference**

16 **I. Status of Case Filings**

17 **Number of MDL Case Filings**

18 As of March 23, 2025 there are currently 1,927 cases in this MDL. Since the last case
19 management conference on February 28, 2025, 110 new cases have been filed.

20 **Status of JCCP**

21 There are approximately 552 cases pending in the JCCP.

22 **Other Cases and Proceedings**

23 Uber has provided a current list of civil actions and government investigations arising
24 from sexual assault on the Uber platform in which Uber is a defendant, attached as Exhibit A.

25 **II. Bellwether Selection Process**

1 On December 12, 2024, the Court issued PTO 21: Bellwether Selection Process and
 2 Scheduling Order. ECF No. 1950. On February 21, 2025, the parties each submitted their 10
 3 bellwether selections to the Court. ECF Nos. 2373, 2375. The Court confirmed the selections at
 4 the February 28 case management conference. On March 14, 2025, Plaintiffs filed amended
 5 complaints for 19 of the selected plaintiffs.

6 Uber will file Rule 12 motions by April 15. The parties will submit letter briefs on
 7 whether the bellwether cases should be tried individually or in waves by April 1. ECF 1950 at 3.

8 **Defendant's Position:**

9 One selected Plaintiff, Jane Roe CL 68, did not file an amended complaint as ordered in
 10 PTO 21. ECF No. 1950. None of the other 19 selected Plaintiffs signed their amended
 11 complaints; instead, each amended complaint was signed by counsel. On March 14, 2025, Uber
 12 served initial written discovery requests on each of the 20 selected plaintiffs. None of the selected
 13 plaintiffs have confirmed they intend to proceed with this litigation.

14 PTO 21 provides: “In the event that a proposed Plaintiff refuses to participate as a
 15 bellwether, the Defendant may select a substitute Plaintiff.” In light of the June 16, 2025 deadline
 16 to complete fact discovery established by PTO 21, selected Plaintiffs should be ordered to
 17 confirm they intend to proceed by April 1, 2025. In the event any selected Plaintiffs opt not to
 18 participate, Uber will select substitute Plaintiffs pursuant to PTO 21. Any substitute Plaintiffs
 19 should similarly be required to confirm they intend to proceed within one week of selection in
 20 light of the schedule required by PTO 21.

21 **Plaintiffs' Position:** The PSC has confirmed with counsel for all Bellwether Plaintiffs
 22 that they intend to comply with the Court's scheduling order. Plaintiff Jane Roe CL 68 intends to
 23 proceed on her original complaint, and does not seek to amend at this time. If and when any
 24 Plaintiff refuses to participate, the PSC will advise Uber immediately.

25 **III. Bellwether Deposition Protocol**

26 **Plaintiffs' Position:** On March 17, Plaintiffs sent Uber a draft proposed order regarding
 27 Bellwether Depositions. The draft proposes a protocol for scheduling and taking depositions
 28 related to the bellwether cases. It is designed to ensure the parties adhere to the Court's

1 scheduling order in PTO 21. On March 25, Defendants responded to Plaintiffs' request for a meet
 2 and confer. Plaintiffs intend to work with the Defendants so the Court may review the proposal
 3 and enter an order governing bellwether depositions. Plaintiffs are ready to discuss the protocol
 4 with the Court at the case management conference.

5 **Defendants' Position** Plaintiffs first proposed a deposition protocol on March 17, 2025.
 6 In response, Uber offered to meet and confer with Plaintiffs' counsel regarding an appropriate
 7 protocol. Uber expects the parties will be in a position to report on the status of those
 8 negotiations during the conference.

9 **IV. Bellwether DFS Discovery**

10 **Plaintiffs' Position:** Plaintiffs request that the Court order Uber to certify that Defendant
 11 Fact Sheet (DFS) production is complete for all Plaintiffs where a DFS has been served. Despite
 12 the deadline to complete DFS production within 30 days of receiving a ride receipt (PTO 10 at 5-
 13 6), Uber has produced DFS documents on a rolling basis and refuses to certify that DFS
 14 production is complete in cases for which the PTO 10 deadline has passed. Individual counsel and
 15 Plaintiffs' leadership have continued to meet and confer with Uber regarding this issue, and it was
 16 raised with Judge Cisneros. *See* Jan. 23, 2025 Disc. Hrg. Trnscrpt. (Judge Cisneros noting that
 17 certifications are required "according to Judge Breyer's PTO 10").¹ These late DFS productions
 18 severely prejudiced Plaintiffs in selecting Bellwether trial cases and continue to prejudice
 19 Plaintiffs as they develop these cases for trial.

20 On March 25, 2025, Uber produced a 2021 JIRA, a document created by Uber's internal
 21 ride incident reporting system, for Bellwether Plaintiff Jane Doe QLF 001. The document
 22 includes a January 9, 2025 note monitoring Jane Doe's lawsuit. But although Plaintiff Jane Doe
 23 QLF 001's DFS production was due on January 15, 2025, Uber failed to produce it. Plaintiffs
 24 cannot effectively prepare Bellwether cases for trial if Uber continues late production of key DFS

25 ¹ "So the certification specifically defines 'substantially complete' as requiring Defendants to
 26 produce the requested documents to the extent such documents are in Defendants' possession,
 27 custody, or control... If Uber were to sign a certification that -- indicating that the production is
 28 substantially complete in connection with the DFS, and something happens and Uber comes
 along later and produces more, seems like what would happen in the ordinary course of discovery
 would be if Plaintiffs think that's truly an issue, you can seek sanctions." *See* Jan. 23, 2025 Disc.
 Hearing Transcript. At 47-48.

1 documents, which Plaintiffs have no reason to know exist. The Court should order Uber to
 2 confirm that all DFS documents have been produced for the Bellwether cases and, if there are
 3 supplemental documents, to produce them by March 31, 2025.

4 **Defendants' Position:** Plaintiffs' request for the Court to modify a pretrial order by way
 5 of an informal request contained in a status report, inserted by plaintiffs just hours before
 6 submission, should be rejected as improper.

7 Nevertheless, Uber has complied with PTO 10. PTO 10 required Uber to submit a
 8 substantially “completed DFS and documents responsive to the requests in the [Defendant Fact
 9 Sheet].” PTO 10, sections 4 & 8. PTO 10 further provides: “If a Party considers a PFS or DFS to
 10 be materially deficient, a deficiency notice outlining the purported deficiency(ies) shall be served
 11 on the deficient Party’s attorney. . . The deficient party will have thirty (30) days to correct the
 12 alleged deficiency(ies).” PTO 10, sec. 8.

13 On February 28, 2025, Plaintiffs in four bellwether cases requested confirmation that any
 14 JIRAs responsive to DFS Question 31(d) were produced. DFS Question 31(d) requires the
 15 production of “all Communications, regarding the incident, between Uber and Plaintiff, Uber and
 16 the Driver, or Uber and any other witness to the Incident.” Uber determined, based on its
 17 reasonable investigation, that no such communications exist for the four bellwether cases, beyond
 18 those that had been previously produced. In the course of its further investigation, Uber identified
 19 a JIRA document related to a request for information from law enforcement officials pertaining to
 20 one of the incidents at issue. Uber in turn produced that additional JIRA pursuant to PTO 10 and
 21 the process contemplated by that Order.

22 **V. General Discovery Updates**

23 The parties continue to engage in robust discovery efforts. The parties are scheduled to
 24 appear before Judge Cisneros for a discovery status conference on the morning of March 27,
 25 2025. A joint statement on the status of discovery will be filed in advance of the conference.

26 **VI. Settlement Special Master**

27 On March 10, 2025, the Court appointed Hon. Gail. Andler (ret.) as Settlement Master.
 28 ECF 2459.

1 **VII. Appointment of Additional PSC Members**

2 **Plaintiffs' Position:** Plaintiffs request that the Court appoint Elizabeth Cabraser of Lieff
3 Cabraser Heimann & Bernstein LLP to the Steering Committee. The PSC believes Ms. Cabraser's
4 extensive experience with mass tort litigation will assist the advancement of this case. Pursuant to
5 PTO 4, the co-leads can assign common benefit work as they see appropriate. Ms. Cabraser has
6 already performed valuable work in this case, and has expressed her intent to continue to do so.
7 Contrary to Uber's representation, Ms. Cabraser filed a Notice of Appearance on March 12, 2025
8 in 31 cases. ECF 2482. A PSC position appropriately reflects the level of commitment that she
9 and Lieff Cabraser have and will continue to make.

10 **Defendants' Position:** Uber believes there is no need for any additional members of the
11 PSC. The PSC functions more efficiently with fewer points of contact. Moreover, Uber's
12 records show Leif Cabraser is currently involved in only 17 cases – none of which Elizabeth
13 Cabraser is named counsel on.

14 **VIII. Next Case Management Conference**

15 The next case management conference has been set for April 18, 2025, at 10:00am, via
16 videoconference. ECF 1990.

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Dated: March 26, 2025

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FILER'S ATTESTATION

I, Randall S. Luskey, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

Dated: March 26, 2025

By: /s/ Randall S. Luskey
Randall S. Luskey

EXHIBIT A

	Case Name	Case Number	Jurisdiction
1	<i>Doe v. Uber Technologies, Inc., et al.</i>	47-CV-23-901221	AL
2	<i>United Financial Casualty Co. v. Uber Technologies Inc., et al.</i>	5:24-cv-01065-CLS	AL
3	<i>A.A. et al. v. Uber Technologies, Inc., et al.</i>	CGC25621963	CA
4	<i>Carrico v. Uber Technologies, Inc.</i>	25CU007625N	CA
5	<i>Castillo, et al. v. Uber Technologies, Inc., et al.</i>	CGC-22-603288	CA
6	<i>Cuevas-Robles, et al. v. Uber Technologies, Inc., et al.</i>	24NWCV00839	CA
7	<i>Doe v. Uber Technologies, Inc., et al.</i>	24CU010461C	CA
8	<i>Doe v. Uber Technologies, Inc., et al.</i>	CGC-22-600553	CA
9	<i>Galan, et al. v. Uber Technologies, Inc., et al.</i>	24TRCV00566	CA
10	<i>J.W., et al. v. Uber Technologies, Inc., et al.</i>	23SCTV06515	CA
11	<i>Jain v. Khosrowshahi et al.</i>	1:24:403-JNA	DE
12	<i>C.C. v. Uber Technologies, Inc., et al.</i>	16-2023-CA-005406	FL
13	<i>C.C. v. Uber Technologies, Inc., et al.</i>	CACE2401761703	FL
14	<i>Doe v. Uber Technologies, Inc., et al.</i>	2024-011285-CA-01	FL
15	<i>Doe v. Uber Technologies, Inc., et al.</i>	23-CA-006624	FL
16	<i>Doe v. Uber Technologies, Inc., et al.</i>	2023-CA-004548	FL
17	<i>Doe v. Uber Technologies, Inc., et al.</i>	11-2023-CA-000823-0001-XX	FL
18	<i>Dillard v. Uber Technologies, Inc., et al.</i>	25-C-02784-S1	GA
19	<i>Doe v. Uber Technologies, Inc., et al.</i>	25-C-02725-S1	GA
20	<i>Doe v. Uber Technologies, Inc., et al.</i>	24-C-05066-S1	GA
21	<i>Nisbett v. Uber Technologies, Inc., et al.</i>	24-A-5042	GA
22	<i>Doe v. Uber Technologies, Inc., et al.</i>	2025L000836	IL
23	<i>Doe v. Uber Technologies, Inc., et al.</i>	2025-L-000836	IL
24	<i>Jane Doe B.E. v. Uber Technologies, Inc., et al.</i>	2024-L-003217	IL
25	<i>Jane Doe L.W. v. Uber Technologies, Inc., et al.</i>	2024-L-003195	IL
26	<i>Jane Doe M.B. v. Uber Technologies, Inc., et al.</i>	2024L003215	IL
27	<i>Jane Doe WHBE 3 v. Uber Technologies, Inc. et al</i>	1CCV240001560	IL
28	<i>Wise-Green v. Uber Technologies, Inc., et al.</i>	2024L003220	IL
29	<i>Check v. Uber Technologies, Inc., et al.</i>	2284CV00948	MA
30	<i>Farrington v. Uber Technologies, Inc., et al.</i>	2383CV00084	MA
31	<i>Scheper v. Uber Technologies, Inc., et al.</i>	2484CV01054	MA
32	<i>Doe v. Uber Technologies, Inc., et al.</i>	22-013966-CZ	MI
33	<i>C.T. v. Uber Technologies, Inc., et al.</i>	MRSLO0172323	NJ
34	<i>Doe v. Uber Technologies, Inc., et al.</i>	801980/2022	NY
35	<i>Nelson v. Uber Technologies, Inc., et al.</i>	919/2023	NY
36	<i>Peterson v. Uber Technologies, Inc., et al.</i>	8078592022E	NY
37	<i>Ventura v. Uber Technologies, Inc., et al.</i>	1517572023	NY
38	<i>Doe v. Uber Technologies, Inc., et al.</i>	CJ-2023-2352	OK

39	<i>Humes v. Uber Technologies, Inc., et al.</i>	24CV52619	OR
40	<i>K.W. v. Uber Technologies, Inc, et al.</i>	25OV12710	OR
41	<i>C.B. v. Uber Technologies, Inc., et al.</i>	2023-38875	TX
42	<i>Cantu v. Uber Technologies, Inc., et al.</i>	S-23-5540CV-C	TX
43	<i>Doe v. Uber Technologies, Inc., et al.</i>	CC-23-05566-C	TX
44	<i>Doe v. Uber Technologies, Inc., et al.</i>	DC2024CV0690	TX
45	<i>Doe v. Uber Technologies, Inc., et al.</i>	202457168	TX
46	<i>Doe v. Uber Technologies, Inc., et al.</i>	2023-69932	TX
47	<i>Doe v. Uber Technologies, Inc., et al.</i>	CV231343	TX
48	<i>Fernandes v. Uber Technologies, Inc., et al.</i>	202515902	TX
49	<i>Garcia v. Uber Technologies, Inc., et al.</i>	2024CI12553	TX
50	<i>Jane Doe WHBE 12 v. Uber Technologies, Inc., et al.</i>	CC-24-07815-E	TX
51	<i>Johnson v. Uber, et al.</i>	2024-24542	TX
52	<i>Dillard v. Uber Technologies, Inc., et al.</i>	2024CV002172	WI